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Paper No. 16
Entered: November 29, 2022

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LITE-ON TECHNOLOGY CORPORATION,
Petitioner,

v.

SENSOR ELECTRONIC TECHNOLOGY, INC.,
Patent Owner.

IPR2022-00780 (Patent 9,923,117 B2)
IPR2022-00781 (Patent 8,552,562 B2)[1]

Before DONNA M. PRAISS, KRISTINA M. KALAN, and ELIZABETH M. ROESEL, *Administrative Patent Judges.*

PER CURIAM.

ORDER
Granting Petitioner's Motions for Admission
Pro Hac Vice of Brock S. Weber and Christopher Kao
37 C.F.R. § 42.10

[1] This Order addresses issues that are the same in each of the identified proceedings. We exercise our discretion to issue one Order to be filed in each proceeding. The parties are not authorized to use this style heading for any subsequent papers.

On November 15, 2022, Petitioner filed motions for *pro hac vice* admission of Brock S. Weber (Paper 13)[2] and Christopher Kao (Paper 14) in each of the above-identified proceedings (collectively "Motions"). Additionally, Petitioner filed declarations of Mr. Weber (Ex. 1023) and Mr. Kao (Ex. 1024) in support of the Motions (collectively, "Declarations"). The Motions do not state if they are opposed, but Patent Owner has not filed an opposition.[3] For the reasons provided below, Petitioner's Motions are *granted*.

In accordance with 37 C.F.R. § 42.10(c), we may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner. The representative Order authorizing motions for *pro hac vice* admission requires a statement of facts showing there is good cause for us to recognize counsel *pro hac vice*, and an affidavit or declaration of the individual seeking to appear. *See* Paper 3, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) (representative "Order – Authorizing Motion for *Pro Hac Vice* Admission")).

The Motions state that there is good cause for the Board to recognize Mr. Weber and Mr. Kao as counsel *pro hac vice* because they are experienced litigation attorneys with a significant amount of patent infringement litigation experience, and because Mr. Weber and Mr. Kao

[2] For expediency, we cite to the Paper and Exhibit numbers filed in IPR2022-00780, unless otherwise indicated. Similar Papers and Exhibits were filed in in IPR2022-00781.

[3] *See Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7, 3 (PTAB Oct. 15, 2013) ("Parties seeking to oppose a motion for *pro hac vice* admission must file their opposition no later than one week after the filing of the underlying motion").

have established familiarity with the subject matter at issue in the above-identified proceedings. Paper 13, 2–3; Paper 14, 2–3. The Motions also indicate that Petitioner's lead counsel, Matthew W. Hindman, is a registered practitioner. Paper 13, 3; Paper 14, 3.

Mr. Weber declares that he is a member in good standing of the Bar of the State of California. Ex. 1023 ¶ 1. Mr. Kao declares that he is a member in good standing of the Bars of the State of California and State of New York. Ex. 1024 ¶ 1. Each of Mr. Weber and Mr. Kao declares that he is familiar with the subject matter at issue in the above-identified proceedings, including the challenged patents. Ex. 1023 ¶ 7; Ex. 1024 ¶ 7. Each of Mr. Weber and Mr. Kao also declares that he has "been granted *pro hac vice* status in at least" a number of listed proceedings before the board. Ex. 1023 ¶ 9; Ex. 1024 ¶ 9.

Based on the facts set forth in the Motions and averred in the Declarations, we conclude that Mr. Weber and Mr. Kao have sufficient legal and technical qualifications to represent Petitioner in the above-identified proceedings, that Mr. Weber and Mr. Kao have demonstrated sufficient litigation experience and familiarity with the subject matter of the above-identified proceedings, and that Mr. Weber and Mr. Kao meet all other requirements for admission *pro hac vice*. We further conclude that Petitioner's interest in being represented in the above-identified proceedings by counsel with litigation experience weighs in favor of granting the Motions. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Weber and Mr. Kao and the Motions are *granted*.

We note that Petitioner filed a power of attorney for Mr. Weber and Mr. Kao in accordance with 37 C.F.R. § 42.10(b). *See* Paper 2.

Additionally, Petitioner's mandatory notices identify Mr. Weber and Mr. Kao as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 1, 3.

Accordingly, it is:

ORDERED that Petitioner's Motions for *pro hac vice* admission of Brock S. Weber and Christopher Kao in the above-identified proceedings are *granted*; Mr. Weber and Mr. Kao are authorized to represent Petitioner only as back-up counsel in the above-identified proceedings;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel in the above-identified proceedings;

FURTHER ORDERED that Mr. Weber and Mr. Kao are to comply with the Consolidated Trial Practice Guide[4] (84 Fed. Reg. 64,280 (Nov. 21, 2019)), and the Board's Rules of Practice for Trials, as set forth in Part 42 of 37 C.F.R.; and

FURTHER ORDERED that Mr. Weber and Mr. Kao shall be subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et. seq.*

[4] *Available at* https://www.uspto.gov/TrialPracticeGuideConsolidated.

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